

# **Notice of Allowability**

Application No.

09/943,858

Examiner

John Elmore

Applicant(s)

FUTAMURA ET AL.

Art Unit

2134

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/28/2005.
2. ☒ The allowed claim(s) is/are 11 and 25.
3. ☒ The drawings filed on 30 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. In response to the previous office action, Applicant has canceled claims 1-10, 12-24 and 26-29 and amended claims 11 and 25. Claims 11 and 25 have been examined.

#### ***Allowable Subject Matter***

2. **Claims 11 and 25 are allowed.**

The following is an examiner's statement of reasons for allowance:

**Regarding claim 11**, the closest prior art does not explain that the service provider transmits the result of verifying a signature of the person identification authority written in the person identification certificate provided by the user device to the user device (verified certificate with template transmitted to user device), that the user device decrypts a key stored in the person identification certificate for decrypting the template, and that the user device then provides to the service provider the decrypted key for decrypting the template along with the sampling information.

The modified device of Duluth and Bianco teaches that the service provider (receiver section 42) receives the biometric certificate 68 from the user device (devices 44 and 48 and smart card of the user 68) and that the service provider decrypts the template (biometric data) in the certificate (col. 7, lines 33-44) using the private key of the service provider. The prior art does not suggest that the service provider decrypts the template with any other key than the private key of the service provider, and it also

Art Unit: 2134

does not suggest that the key for decrypting the template is provided to the service provider by the user device upon the service provider's verification of the certificate containing the key. Therefore, it would not seem obvious to one of ordinary skill in the computer art at the time the invention was made to modify the modified device of Duluth and Bianco to provide that that the service provider transmits the result of verifying a signature of the person identification authority written in the person identification certificate provided by the user device to the user device (verified certificate with template transmitted to user device), that the user device decrypts a key stored in the person identification certificate for decrypting the template, and that the user device then provides to the service provider the decrypted key for decrypting the template along with the sampling information.

**Regarding claim 25**, this is a method version of the claimed system discussed above (claim 11) and is allowed for the same reasons provided above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

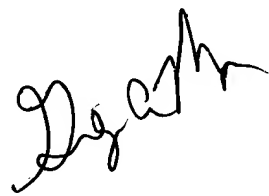
Art Unit: 2134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Elmore



GREGORY MORSE  
SUPERVISORY  
TECHNOLOGICAL